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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
OAKLAND DIVISION

UNITED STATES OF AMERICA,

Plaintiff,

v.
ZACHARY MICHAEL TRIMBLE,
aka "Zach MacArthur,"

Defendant.

No. 11-CR-00080-SBA

**~~PROPOSED~~ ORDER EXCLUDING
TIME UNDER THE SPEEDY TRIAL
ACT**

On March 4, 2011, defendant ZACHARY MICHAEL TRIMBLE, represented by Joyce Leavitt, Assistant Federal Public Defender, and the United States, represented by Suzanne B. Miles, Assistant United States Attorney, appeared before the Court for a detention hearing. At that hearing, the Court ordered Mr. Trimble detained pre-trial upon a finding that Mr. Trimble posed a significant risk of non-appearance and of danger to the community. The Court's findings were based on concerns regarding Mr. Trimble's mental status.

Since March 4, 2011, the parties have made efforts to arrange a psychiatric evaluation of Mr. Trimble. On April 4, 2011, counsel for both parties appeared before the Court with an

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1 officer from Pretrial Services to report that a psychiatrist has been identified and will be retained
2 by counsel for Defendant, materials have been prepared by both parties for the expert's review,
3 and an evaluation is scheduled for Monday April 11, 2011. A detention status hearing is set for
4 April 28, 2011, to permit the parties and this Court the opportunity to review the results of the
5 psychiatric evaluation.

6 Based upon the representations of counsel, this Courts finds that the time between March
7 4, 2011, and April 28, 2011, is properly excluded from computation under the Speedy Trial Act
8 as delay resulting from a mental health examination. 18 U.S.C. § 3161(h)(7)(B)(iv).

9 In addition, based on discovery produced by the government on April 4, 2011, and the
10 need for review by defense counsel, the Court finds that the ends of justice served by excluding
11 the time between April 4, 2011, and April 28, 2011, from computation under the Speedy Trial
12 Act outweigh the best interests of the public and the defendant in a speedy trial because failing to
13 do so would unreasonably deny the defendant's counsel the time necessary for effective
14 preparation, taking into account the exercise of due diligence. 18 U.S.C. § 3161(h)(7)(B)(iv).

15 Therefore, IT IS HEREBY ORDERED that the periods of time between March 4, 2011,
16 and April 28, 2011, shall be excluded from computation under the Speedy Trial Act.

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18 DATED: April 6, 2011



LAUREL BEELER
United States Magistrate Judge

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21 Presented by:

22 /s/

SUZANNE B. MILES
23 Assistant United States Attorney
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